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SPARTANBURG, SC 29303

EXAMINER

ZIMMERMANN, JOHN P

ART UNIT	PAPER NUMBER
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2809

MAIL DATE	DELIVERY MODE
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05/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,487

Applicant(s)

LOBLEY ET AL.

Examiner

John P. Zimmermann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 30 January 2006.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a).

Drawings

2. The drawings are objected to because A) Figure 7 in the specification is first listed as a spreadsheet [Page 7, Line 3], then as a graph [Page 11, Line 37 and following]. B) Figure 8 in the specification is listed as a graph [Page 7, Line 3], then not mentioned again in the specification as the graph is referred to as Figure 7. The actual Figure 8 is a graph. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

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informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: “cue stab visible” & “cue stab not visible” [Figure 8, Page 7 of Figures]. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as “Annotated Sheets” and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Objections

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5. **Claims 6 & 20** are objected to because of the following informalities: The term “Wool” appears to have been inadvertently amended out of the claims currently ending in “a wool or wool blend fabric, containing at least 60%” [Claim 6 – Page 1 & Claim 20 - Page 3, Amended Claims]. Appropriate correction is required.

6. **Claim 18** is objected to because of the following informalities: The phrase “of the area of the playing surface” appears to have been inadvertently amended out of the claim currently ending in “camouflage design is printed on at least 60%” [Claim 18 - Page 3, Amended Claims]. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. **Claims 1-30** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The equation $\Delta E_2 < k\Delta E_1$ as claimed in **Claim 1 & 15** is an invalid equation when taken in consideration with the remainder of the claim “k is a constant with a value in the range 0 to 5” as assigning a value of 0 to the constant k would result in ΔE_2 being a positive number supposedly less than 0.

9. Given that **claims 2 & 16** narrow the value of the constant, but still allow the constant k to be assigned a value of 0 “k has a value in the range 0 to 3,” these claims are similarly rejected.

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10. Given that **claims 2-14** are dependent on rejected **claim 1**, they are effectively rejected as well.

11. Given that **claims 16-30** are dependent on rejected **claim 15**, they are effectively rejected as well.

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. **Claims 1-30** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

14. The term "most closely" in **claim 1** is a relative term which renders the claim indefinite. The term "most closely " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The limitation "matches the base color" has rendered it's use indefinite.

15. Given that **claims 2-14** are dependent on rejected **claim 1**, they are effectively rejected as well.

16. The term "most closely" in **claim 15** is a relative term which renders the claim indefinite. The term "most closely " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The limitation "matches the base color" has rendered it's use indefinite.

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17. Given that **claims 16-30** are dependent on rejected **claim 15**, they are effectively rejected as well.

18. The term “substantially all locations” in **claim 28** is a relative term which renders the claim indefinite. The term “substantially all locations” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The limitation “which sustain high levels of damage” has rendered its use indefinite.

19. The term “substantially all areas” in **claim 29** is a relative term which renders the claim indefinite. The term “substantially all areas” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The limitation “that suffer from high levels of damage” has rendered its use indefinite.

20. The term “substantially all areas” in **claim 30** is a relative term which renders the claim indefinite. The term “substantially all areas” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The limitation “that suffer from damage to a low extent” has rendered its use indefinite.

Claim Rejections - 35 USC § 101

21. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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22. **Claims 1-5** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

23. **Claims 1-5** are directed towards printed matter. A mere arrangement of printed matter, though seemingly a “manufacture,” is rejected as not being within the statutory classes. See *In re Miller*, 418 F.2d 1392, 164 USPQ 46 (CCPA 1969); *Ex parte Gwinn*, 112 USPQ 439 (Bd. App. 1955); and *In re Jones*, 373 F.2d 1007, 153 USPQ 77 (CCPA 1967). See MPEP 706.03(a) [R-2] I A.

24. The claims do not “define either new features of structure or new relations of printed matter to structure, or both” and “substance or language of that which is printed may not constitute patentable subject matter”. “Where the sole distinction set out in the claims over the prior art is in the printed matter, there being no new feature of physical structure and no new relation of printed matter to physical structure, such claims may not be allowed, it is only where the claims define either new features of structure or new relations of printed matter to structure, or both, which new features or new relations give rise to some new and useful function or effect or result that claims may be properly allowed.” *Ex Parte Gwinn*. A mere arrangement of printed matter on a sheet or sheets of paper does not constitute patentable subject matter”. *In re Russel*, 18 C.C.P.A. (Patents) 1184, 48, F.2d 668, 9 USPQ 181, and *In re Reeves*, 20 C.C.P.A. (Patents) 767, 62 F.2d 199, 16 USPQ 110.

Claim Rejections - 35 USC § 102

25. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

26. **Claims 1-5** are rejected under 35 U.S.C. 102(b) as being anticipated by **Foley et al.**, (US 3,454,279 A).

a. As related to independent **claim 1**, Foley et al. teach a gaming cloth comprising a cloth having a base color with a playing surface having a design printed thereon (Foley et al. – Abstract, Column 1, Lines 14-15; Description, Column 2, Lines 71-72 and Figure 1, shown below); characterized in that at least 30% of the area of the playing surface is printed with a camouflage design (Foley et al. – Figure 1, Reference #32, #34, #36, & #38, shown below) as defined by the function $\Delta E_2 < k\Delta E_1$, where ΔE_1 is a measure of the complexity of the design based on color coordinates of two points within a 2 inch by 2 inch grid square and ΔE_2 is a measure of the color contrast of the design with respect to the base color of the cloth based on color coordinates of two points within a 2 inch by 2 inch grid square one being the base color and one being a point matching the base color, and k is a constant with a value in the range 0 to 5 (Foley et al. – Abstract, Column 1, Line 18 and Description, Column 2, Lines 18 – 21).

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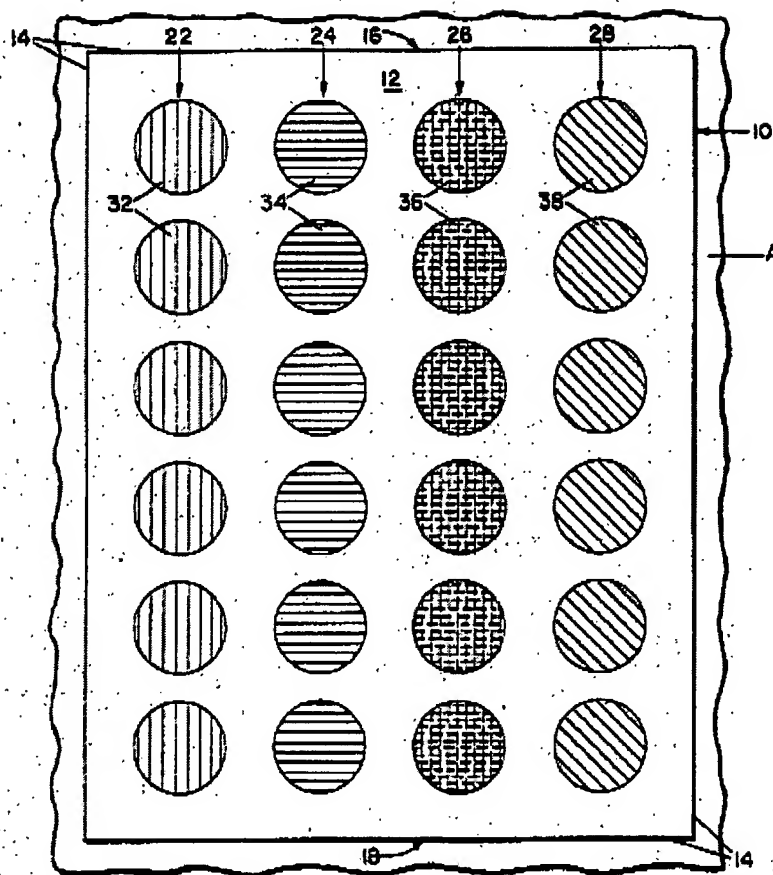
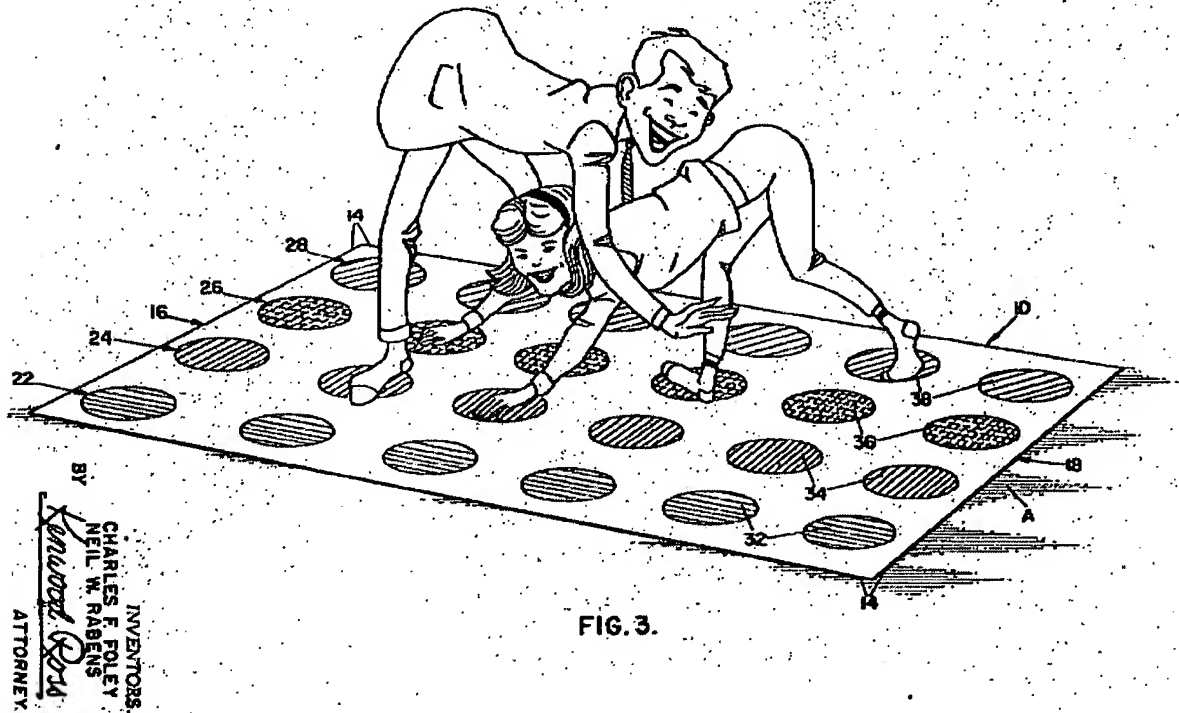


FIG. 1.

- b. As related to dependent **claim 2**, Foley et al. teach a change to the design wherein the constant k has a value in the range 0 to 3 (Foley et al. – Description, Column 2, Lines 18-21 and Lines 63-72).
- c. As related to dependent **claim 3**, Foley et al. teach a change to the design wherein the camouflage design is further defined by a color complexity value ΔE_1 of 15 or more (Foley et al. – Description, Column 2, Lines 18-21 and Lines 63-72).

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- d. As related to dependent **claim 4**, Foley et al. teach the gaming cloth having the camouflage design printed on at least 60% of the area of the playing surface (Foley et al. – Description, Column 2, Lines 18-21 and Column 3, Lines 1-4 & Lines 14-18).
- e. As related to dependent **claim 5**, Foley et al. teach the camouflage design is printed on all high wear areas of the playing surface (Foley et al. – Description, Column 3, Lines 58-61; Description, Column 4, Lines 6-12 and Figure 3, shown below).



Claim Rejections - 35 USC § 103

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

29. **Claims 6, 7, 9, 10 & 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Foley et al.**, (US 3,454,279 A) as applied to **claim 1** above, and further in view of **Thornton et al.**, (WO 97/27357 A).

a. As related to dependent **claim 6**, Foley et al. teach the limitations of **claim 1** for the reasons above. Foley et al. **do not** specifically teach the cloth is wool or wool blend fabric. **However**, Thornton et al. teach improvements to a cloth, for use in surfacing gaming tables and equipment, that cloth being wool and preferably of natural fibers or mixture {40/60} of synthetic {nylon} and natural {wool} fibers (Thornton et al. – Page 1, Lines 1-4 and Lines 24-28).

b. As related to dependent **claim 7**, Foley et al. teach the limitations of **claim 1** for the reasons above. Foley et al. **do not** specifically teach the cloth is a woven felted fabric. **However**, Thornton et al. teach improvements to a cloth, for use in surfacing gaming tables and equipment, that cloth being a woven felted fabric, specifically “a plain weave, double plain weave or prunelle or twill weave” (Thornton et al. – Page 1, Lines 1-4 and Lines 27-28).

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- c. As related to dependent **claim 9**, Foley et al. teach the limitations of **claim 1** for the reasons above. Foley et al. **do not** specifically teach the cloth is a worsted fabric. **However**, Thornton et al. teach improvements to a cloth, for use in surfacing gaming tables and equipment, that cloth being a prunelle or twill weave; i.e. fabric of worsted twill (Thornton et al. – Page 1, Lines 1-4 and Lines 27-28 and Dictionary.com definition of prunelle).
- d. As related to dependent **claim 10**, Foley et al. teach the limitations of **claim 1** for the reasons above. Foley et al. **do not** specifically teach the cloth is printed with dyes or inks applied to the surface of the base cloth. **However**, Thornton et al. teach that surfacing cloth is accommodating to durable printing applied to them (Thornton et al. – Page 1, Lines 5-9) and the print employed comprises dyes or print inks (Thornton et al. – Page 2, Lines 6-7).
- e. As related to dependent **claim 14**, Foley et al. teach the limitations of **claim 1** for the reasons above. Foley et al. **do not** specifically teach a gaming table using the gaming cloth. **However**, Thornton et al. teach that surfacing cloth is particularly used in surfacing gaming tables (Thornton et al. – Page 1, Lines 3-4), and specifically a gaming table using the aforementioned cloth (Thornton et al. – Page 5, Lines 27-28).

Given the same field of endeavor, specifically a gaming cloth or casino game table cloth, it is apparent that one of ordinary skill in the art at the time the invention was made would have been motivated to combine the gaming cloth with the pattern delineated on and useful on multiple surfaces as taught by Foley et al. with the gaming cloth being made of the specific materials as taught by Thornton et al. and specifically use on a gaming table, in an effort to provide a gaming table surface of preferred cloth product

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which provides a desirable cloth texture, evenly accepting of dye and accommodating to printing with dyes or print inks (Thornton et al. – Page 1, Lines 6-8 and 15-17). The motivation is further documented as the present application indicates in the background of the invention that the preferred cloths used for some time are made of wool or wool/nylon blend containing at least 60% wool, a woven felted fabric and a worsted fabric, these cloths having been printed on (Page 1, Lines 7-11).

27. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Foley et al.**, (US 3,454,279 A) as applied to **claim 1** above, and further in view of **Van Stratum**, (US 6,074,720 A).

Foley et al. teach the limitations of **claim 1** for the reasons above but *do not* specifically teach the cloth is a woven felted fabric. *However*, Van Stratum teaches game table fabric that is traditionally felt cloth (Van Stratum – Title and Background, Column 1, Lines 25-28).). Given the same field of endeavor, specifically a gaming cloth or game table fabric, it is apparent that one of ordinary skill in the art at the time the invention was made would have been motivated to combine the gaming cloth with the pattern delineated on (Foley et al. – Description, Column 3, Line 1) as taught by Foley et al. with the gaming cloth traditionally made of felt as taught by Van Stratum in an effort to provide the preferred material for gaming fabric (Van Stratum - Background, Column 1, Line 28). The motivation is further documented as the present application indicates in the background of the invention that one of the preferred cloths used for some time is a non-woven felted fabric (Page 1, Lines 7-11).

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28. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Foley et al.**, (US 3,454,279 A) as applied to **claim 1** above, and further in view of **Takaide et al.**, (EP 0 633 347 A2).

Foley et al. teach the limitations of **claim 1** for the reasons above but *do not* specifically teach the cloth is printed with a coloring agent selected from a group containing reactive dyes, acid dyes, pigments and mixtures thereof. *However*, Takaide et al. teach cloth printed with at least two types of inks at least containing dyes and at least two types of pigments (Takaide et al. – Summary, Page 4, Lines 4 & 11). Given the same field of endeavor, specifically printing a pattern on cloth or fabric, it is apparent that one of ordinary skill in the art at the time the invention was made would have been motivated to combine the gaming cloth with the pattern delineated on as taught by Foley et al. with the cloth printed with the dyes and pigments as taught by Takaide et al. in an effort to overcome the deficiencies in printing by screen printing and roller printing, specifically manufacturing of various products in small quantity (Takaide et al. – Related Art, Page 3, Lines 11-12).

29. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Foley et al.**, (US 3,454,279 A) and **Thornton et al.**, (WO 97/27357 A) as applied to **claim 10** above, and further in view of **Takaide et al.**, (EP 0 633 347 A2).

The previous combination of Foley et al. and Thornton et al. remains as applied above, but *does not* specifically teach the cloth being printed by inkjet printing. *However*, Takaide et al. teach the cloth being printed by ink jet textile printing (Takaide et al. - Title

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& Abstract).). Given the same field of endeavor, specifically printing a pattern on cloth or fabric, it is apparent that one of ordinary skill in the art at the time the invention was made would have been motivated to combine the gaming cloth and printing thereof as taught by the combination above with printing cloth by inkjet printing as taught by Takaide et al. in an effort to overcome the deficiencies in printing by screen printing and roller printing, specifically manufacturing of various products in small quantity (Takaide et al. – Related Art, Page 3, Lines 11-12).

30. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Foley et al.**, (US 3,454,279 A) and **Takaide et al.**, (EP 0 633 347 A2) as applied to **claim 11** above, and further in view of **Kusaki et al.** (US 6,352,563 B1).

The previous combination of Foley et al. and Takaide et al. remains as applied above, but *does not* specifically teach the cloth is printed with acid dyes. *However*, Kusaki et al. teach a printed cloth that is printed with acid dyes (Kusaki et al. – Disclosure, Column 4, Lines 13-15). Given the same field of endeavor, specifically printing a pattern on cloth or fabric, it is apparent that one of ordinary skill in the art at the time the invention was made would have been motivated to combine the gaming cloth and printing thereof as taught by the combination above with cloth printed by using acid dye as taught by Kusaki et al. in an effort to print the cloth using the preferred dye in accordance with the type of fiber of the cloth (wool) (Kusaki et al. – Disclosure, Column 4, Lines 13-15 and Source Document - Encyclopedia Britannica “Fibres and Dyes”).

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31. **Claims 15-21, 23-24 & 28-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Foley et al.**, (US 3,454,279 A) in view of **Thornton et al.**, (WO 97/27357 A).

a. As related to independent **claim 15**, Foley et al. teach a gaming cloth comprising a cloth having a base color with a playing surface having a design printed thereon (Foley et al. – Abstract, Column 1, Lines 14-15; Description, Column 2, Lines 71-72 and Figure 1, shown below); characterized in that at least 30% of the area of the playing surface is printed with a camouflage design (Foley et al. – Figure 1, Reference #32, #34, #36, & #38, shown below) as defined by the function $\Delta E_2 < k\Delta E_1$, where ΔE_1 is a measure of the complexity of the design based on color coordinates of two points within a 2 inch by 2 inch grid square and ΔE_2 is a measure of the color contrast of the design with respect to the base color of the cloth based on color coordinates of two points within a 2 inch by 2 inch grid square one being the base color and one being a point matching the base color, and k is a constant with a value in the range 0 to 5 (Foley et al. – Abstract, Column 1, Line 18 and Description, Column 2, Lines 18 – 21).

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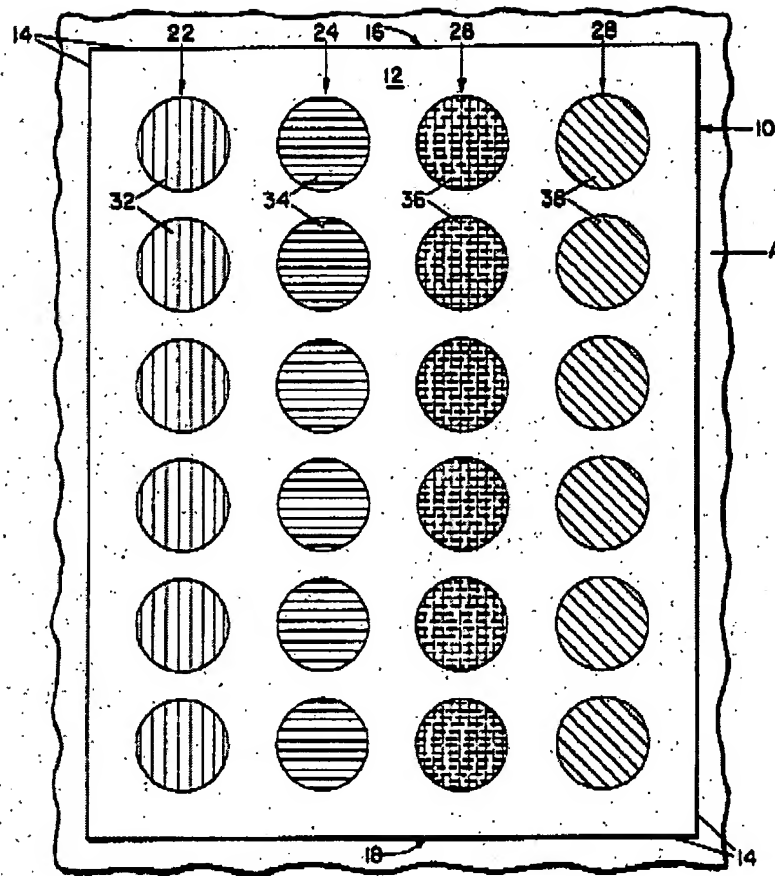


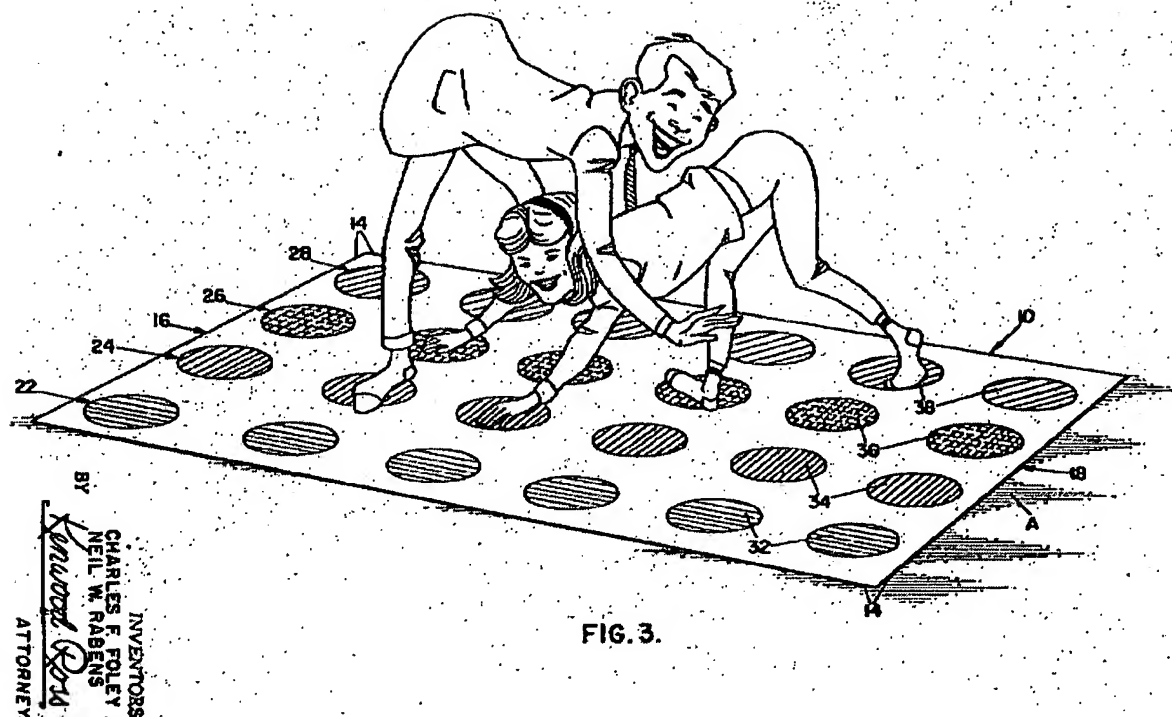
FIG. 1.

- b. As related to dependent **claim 16**, the previous combination of Foley et al. and Thornton et al. remains as applied to **claim 15**, additionally, Foley et al. teach a change to the design wherein the constant k has a value in the range 0 to 3 (Foley et al. – Description, Column 2, Lines 18-21 and Lines 63-72).
- c. As related to dependent **claim 17**, the previous combination of Foley et al. and Thornton et al. remains as applied to **claim 15 & 16**, additionally, Foley et al. teach a change to the design wherein the camouflage design is further defined by a color

complexity value ΔE_1 of 15 or more (Foley et al. – Description, Column 2, Lines 18-21 and Lines 63-72).

d. As related to dependent **claim 18**, the previous combination of Foley et al. and Thornton et al. remains as applied to **claim 15 – 17**, additionally, Foley et al. teach the gaming cloth having the camouflage design printed on at least 60% of the area of the playing surface (Foley et al. – Description, Column 2, Lines 18-21 and Column 3, Lines 1-4 & Lines 14-18).

e. As related to dependent **claim 19**, the previous combination of Foley et al. and Thornton et al. remains as applied to **claim 15**, additionally, Foley et al. teach the camouflage design is printed on all high wear areas of the playing surface (Foley et al. – Description, Column 3, Lines 58-61; Description, Column 4, Lines 6-12 and Figure 3, shown below).



f. As related to dependent **claim 20**, the previous combination of Foley et al. and Thornton et al. remains as applied to **claim 15**, additionally, Thornton et al. teach improvements to a cloth, for use in surfacing gaming tables and equipment, that cloth being wool and preferably of natural fibers or mixture {40/60} of synthetic {nylon} and natural {wool} fibers (Thornton et al. – Page 1, Lines 1-4 and Lines 24-28).

f. As related to dependent **claim 21**, the previous combination of Foley et al. and Thornton et al. remains as applied to **claim 15**, additionally, Thornton et al. teach improvements to a cloth, for use in surfacing gaming tables and equipment, that cloth being a woven felted fabric, specifically “a plain weave, double plain weave or prunelle or twill weave” (Thornton et al. – Page 1, Lines 1-4 and Lines 27-28).

- g. As related to dependent **claim 23**, the previous combination of Foley et al. and Thornton et al. remains as applied to **claim 15**, additionally, Thornton et al. teach improvements to a cloth, for use in surfacing gaming tables and equipment, that cloth being a prunelle or twill weave; i.e. fabric of worsted twill (Thornton et al. – Page 1, Lines 1-4 and Lines 27-28 and Dictionary.com definition of prunelle).
- h. As related to dependent **claim 24**, the previous combination of Foley et al. and Thornton et al. remains as applied to **claim 15**, additionally, Thornton et al. teach that surfacing cloth is accommodating to durable printing applied to them (Thornton et al. – Page 1, Lines 5-9) and the print employed comprises dyes or print inks (Thornton et al. – Page 2, Lines 6-7).
- i. As related to dependent **claim 28**, the previous combination of Foley et al. and Thornton et al. remains as applied to **claim 15**, additionally, Foley et al. teach the camouflage design is printed on all high wear areas of the playing surface (Foley et al. – Description, Column 3, Lines 58-61; Description, Column 4, Lines 6-12 and Figure 3, shown previously) and the size of the camouflage design printed on the areas of wear is of any practical size or shape (Foley et al. Description, Column 3, Lines 14-18).
- j. As related to dependent **claim 29 & 30**, the previous combination of Foley et al. and Thornton et al. remains as applied to **claim 15**, additionally, Foley et al. teach the camouflage design is printed on all high wear areas of the playing surface (Foley et al. – Description, Column 3, Lines 58-61; Description, Column 4, Lines 6-12 and Figure 3, shown previously), the size of the camouflage design printed on the areas of wear is of any practical size or shape (Foley et al. Description, Column 3, Lines 14-18), and the

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pattern can be of different colors (Foley et al. – Abstract & Description, Column 2, Lines 18-21).

k. As related to above mentioned **claims 15-21, 23-24 & 28-30** while Foley et al. *do not* specifically teach the method of printing the gaming cloth, Thornton et al. *do* teach a method for manufacturing gaming cloth to include printing applied to them (Thornton et al. – Page 1, Lines 5-9) and the print employed comprises dyes or print inks (Thornton et al. – Page 2, Lines 6-7).

Given the same field of endeavor, specifically a gaming cloth or casino game table cloth, it is apparent that one of ordinary skill in the art at the time the invention was made would have been motivated to combine the gaming cloth with the pattern delineated on and useful on multiple surfaces as taught by Foley et al. with the method of printing a gaming cloth made of the specific materials as taught by Thornton et al. in an effort to provide a gaming table surface of preferred cloth product which provides a desirable cloth texture, evenly accepting of dye and accommodating to printing with dyes or print inks (Thornton et al. – Page 1, Lines 6-8 and 15-17) and the manufacture of such gaming cloth for use in surfacing gaming tables (Thornton et al. – Page 1, Line 4).

32. **Claim 22** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Foley et al.**, (US 3,454,279 A) and **Thornton et al.**, (WO 97/27357 A) as applied to **claim 15** above, and further in view of **Van Stratum**, (US 6,074,720 A).

The previous combination of Foley et al. and Thornton et al. remains as applied above, but *do not* specifically teach the cloth is a woven felted fabric. *However*, Van Stratum teaches game table fabric that is traditionally felt cloth (Van Stratum – Title and Background, Column 1, Lines 25-28).). Given the same field of endeavor, specifically a

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gaming cloth or game table fabric, it is apparent that one of ordinary skill in the art at the time the invention was made would have been motivated to combine the method of printing a gaming cloth as taught by the combination of Foley et al. and Thornton et al. with the gaming cloth traditionally made of felt as taught by Van Stratum in an effort to provide the preferred material for gaming fabric (Van Stratum - Background, Column 1, Line 28). The motivation is further documented as the present application indicates in the background of the invention that one of the preferred cloths used for some time is a non-woven felted fabric (Page 1, Lines 7-11).

33. **Claim 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Foley et al.**, (US 3,454,279 A) and **Thornton et al.**, (WO 97/27357 A) as applied to **claim 15** above, and further in view of **Takaide et al.**, (EP 0 633 347 A2).

The previous combination of Foley et al. and Thornton et al. remains as applied above, but ***do not*** specifically teach the cloth is a woven felted fabric. ***However***, Takaide et al. teach cloth printed with at least two types of inks at least containing dyes and at least two types of pigments (Takaide et al. – Summary, Page 4, Lines 4 & 11). Given the same field of endeavor, specifically a gaming cloth or game table fabric, it is apparent that one of ordinary skill in the art at the time the invention was made would have been motivated to combine the method of printing a gaming cloth as taught by the combination of Foley et al. and Thornton et al. with the cloth printed with the dyes and pigments as taught by Takaide et al. in an effort to overcome the deficiencies in printing by screen printing and

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roller printing, specifically manufacturing of various products in small quantity (Takaide et al. – Related Art, Page 3, Lines 11-12).

34. **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Foley et al.**, (US 3,454,279 A) and **Thornton et al.**, (WO 97/27357 A) as applied to **claim 24** above, and further in view of **Takaide et al.**, (EP 0 633 347 A2).

The previous combination of Foley et al. and Thornton et al. remains as applied above, but *does not* specifically teach the cloth being printed by inkjet printing. *However*, Takaide et al. teach the cloth being printed by ink jet textile printing (Takaide et al. - Title & Abstract).). Given the same field of endeavor, specifically printing a pattern on cloth or fabric, it is apparent that one of ordinary skill in the art at the time the invention was made would have been motivated to combine the method of printing the gaming cloth as taught by the combination above with printing cloth by inkjet printing as taught by Takaide et al. in an effort to overcome the deficiencies in printing by screen printing and roller printing, specifically manufacturing of various products in small quantity (Takaide et al. – Related Art, Page 3, Lines 11-12).

35. **Claim 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Foley et al.**, (US 3,454,279 A) **Thornton et al.**, (WO 97/27357 A) and **Takaide et al.**, (EP 0 633 347 A2) as applied to **claim 25** above, and further in view of **Kusaki et al.** (US 6,352,563 B1).

The previous combination of Foley et al., Thornton et al., and Takaide et al. remains as applied above, but *does not* specifically teach the cloth is printed with acid dyes.

However, Kusaki et al. teach a printed cloth that is with acid dyes (Kusaki et al. –

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Disclosure, Column 4, Lines 13-15). Given the same field of endeavor, specifically printing a pattern on cloth or fabric, it is apparent that one of ordinary skill in the art at the time the invention was made would have been motivated to combine the method of printing the gaming cloth as taught by the combination above with the method of printing cloth using acid dye as taught by Kusaki et al. in an effort to print the cloth using the preferred dye in accordance with the type of fiber of the cloth (wool) (Kusaki et al. – Disclosure, Column 4, Lines 13-15 and Source Document - Encyclopedia Britannica “Fibres and Dyes”).

Conclusion

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koike et al. (US 5,396,275 A) teach ink jet printing on cloth, a specific distribution, printing on natural fibers using dyes including acid, direct, reactive and the like. Aoki (US 5,976,673 A) teaches ink-jet printing on cloth to include wool, using inks composed of acid or direct dye. Kusaki et al. (US 6,051,036 A) teach printed cloth in which dye is deposited in dots on the cloth to form a desired printed pattern. Nakamura et al. (US 6,371,610 B1) teach ink-jet printing method and ink-jet printed cloth. Curtis et al. (US 2003-0092341 A1) teach camouflage material printed or dyed. Nakamura et al. (US 2004/0174422 A1) teach inkjet recording cloth that can be printed using a pigment ink without deterioration in its characteristic handling touch. Nakamura et al. (US 2004/0201660 A1) teach a cloth used as recording medium, knit or woven. Santos et al. (2004/0209051 A1) teach printing a camouflage pattern on fabric using acid dyes. Santos et al. (US 6,805,957 B1) teach printing a camouflage pattern on fabric using acid dyes. Brasier et al. (US 2005/0018031 A1) teach printing a graphic image onto a cue sports cloth.

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Brasier et al. (US 2005/0018030 A1) teach a gaming cloth comprising a major part wool and a graphic image using ink. Magee et al. (US 6,884,493 B2) teach color, pattern and design applied to a carpet substrate. Kosaka (US 2005/0117007 A1) teaches a process for forming patterns using ink jet printing on cloth. Milini (US 2005/0206711 A1) teaches an apparatus capable of performing digital inkjet printing of fabric. Salerno (US 6,945,533 B1) teaches a gaming cloth formed to fit any table shape and size with symbols printed thereon. Lobley et al. (US 2006/0071999 A1) teach a cue sports cloth and method of printing the cloth. Brasier et al. (US 7,194,958 B2) teach printing a graphic image onto a cue sports cloth. NPL – Championship Billiards – Printed Cloth – Custom printed fabric new method improves over silk screening.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Zimmermann whose telephone number is 571-270-3049. The examiner can normally be reached on Monday - Thursday, 7:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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